

REMARKS

This Amendment Under 37 CFR 1.114 is submitted in support of the RCE filed concurrently herewith, and presents applicants' arguments for the patentability of claims 3-5, 24, 31 in view of US Patent No. 5,848,396, to Gerace. Claims 3-5, 24 and 31 were finally rejected under 35 USC §102(b) in view of Gerace in the final Office Action dated July 20, 2007.

Applicants submitted their Amendment After Final on September 20, 2007. An Advisory Action was mailed in response to applicants' Amendment After Final on October 3, 2007.

Applicants' urge the Examiner to reconsider the rejection in view of Gerace because Gerace does not teach or suggest applicants' claimed identifier provision means, for setting an identifier, based on said request that is received (a content registration request), to be added to said content that is to be provided a user terminal, and for providing said identifier to a content provider.

In the October 3, Advisory Action, in the continuation of 11, the Examiner note that Gerace's advertisement are treated as content, and refers to the final rejection, at pages 5-7, for the indication by the Examiner as to where Gerace includes, or discloses how Gerace discloses applicants' identifiers assigned to content. Applicant's identifier is added to content that is received with a content registration request from an advertiser or sponsor. The identifier is with, or comprises the registered content no matter where it goes after the identifier is added to the content, by the system, in response to the content registration request. The system's identifier provision means set the identifier, and also provides the identifier to the content provider, or content registeror, in response to the content provider request.

While the Examiner states that Gerace includes the applicant's claimed identifier provision means, applicants do not agree and urge the Examiner to reconsider. That is, the Examiner states that Gerace teaches identifier provision means, for setting an identifier, based on said request that is received, to be added to said content that is to be provided a user terminal, and for providing said identifier to a content provider (col. 17, line 52-col. 18, line 10; col. 6, line 57-col. 7, line 23).

The Gerace text at col. 17, line 52-col. 18, line 10, merely discloses that portion of the Gerace technique that includes sponsor log-on for browsing the agate information and advertisements for the end user, including entering demographic targets, completion of the advertiser template, and discusses how the Gerace program combines the regression analysis with their weighting technique for automatic optimization (as defined by Gerace). Gerace at col. 6, line 57-col. 7, line 23, merely discloses its user account history object, action history object, user session object, etc.

None of the cited Gerace text discloses, teaches or suggests applicants' identifier provision means, for setting an identifier, based on said request that is received, to be added to said content that is to be provided a user terminal, and for providing said identifier to a content provider. While the Examiner states at page 6 that the claims are not clear that the content is unique to each piece of content or unique to the sponsor, applicants disagree. The claim language states "identifier provision means, for setting an identifier, based on said request that is received, to be added to said content that is to be provided a user terminal, and for providing said identifier to the content provider. The claim language states that the identifier is put in the content. The identifier is unique to the content. No limitations from the Specification, or from

Gerace should be read into the claim element. The claim element is not found at the cited Gerace text.

While the Examiner states that the “claims merely state that there is id related to the content,” applicants’ disagree. It is Gerace that may have an ID related content. The text at Gerace’s col. 17, line 52, to col. 18, line 10, states that the service provided creates a sponsor object 33a, or ad package object 33b. The sponsor selects a minimum target weight to assure that the objects are shown to target users, or potential users. Applicants’ claimed identifier is not related to Gerace’s sponsor objects.

In applicants’ claims, the identifier provision means set an identifier for content that the sponsor has requested to be registered. That is, based on the request that is received from the sponsor, the identifier is added to said content, the content intended by the sponsor to be provided to a user terminal with the added identifier (as per the claim as a whole). Not only is the identifier in the content, but also the sponsor is provided with the identifier, and knows that its content includes same identifier.

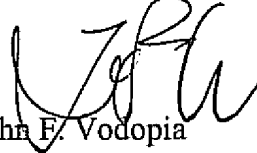
Applicants, therefore, respectfully assert that Gerace does not disclose, teach or suggest each of the elements of independent claim 3, as required under 35 USC §102(b). Claims 4, 5, 24 and 31 depend from independent claim 3 and are patentable therewith.

Conclusion

It follows that each of pending claims 3-5, 24 and 31, is patentably distinct from Gerace under Section 102(b). Accordingly, applicants respectfully request that the Examiner withdraw the rejections, and allow claims 3-5, 24 and 31 in view of Gerace under Section 102. If the Examiner believes that a telephone conference with applicant’s attorneys would be

advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned, particularly in view of the fact that the rejections were made final.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'JFV', is written over the printed name.

John F. Vodopia
Registration No. 36,299
Attorney for Applicants

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza, Suite 300
Garden City, NY 11530
(516) 742-4343

JFV:gc